

James R. Condo (#005867)
Amanda Sheridan (#005867)
SNELL & WILMER L.L.P.
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2204
Telephone: (602) 382-6000
JCondo@swlaw.com
ASheridan@swlaw.com

Richard B. North, Jr. (admitted *pro hac vice*)
Georgia Bar No. 545599
NELSON MULLINS RILEY & SCARBOROUGH, LLP
Atlantic Station
201 17th Street, NW, Suite 1700
Atlanta, GA 30363
Telephone: (404) 322-6000
Richard.North@nelsonmullins.com

*Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability
Litigation

MDL NO. 15-02641-PHX-DGC

**DEFENDANTS C. R. BARD, INC.’S
AND BARD PERIPHERAL
VASCULAR, INC.’S ANSWER AND
GENERAL DENIAL IN RESPONSE
TO PLAINTIFF’S AMENDED
COMPLAINT IN CASE NO. CV-17-
03628-PHX-DGC; JURY TRIAL
DEMAND**

Defendants C. R. Bard, Inc. (“Bard”) and Bard Peripheral Vascular, Inc. (“BPV”) (Bard and BPV are collectively “Defendants”) hereby file this Answer and General Denial in response to the Amended Complaint served on Defendants in *Marlin Pavelek v. C. R. Bard, Inc., et al.*, AZ Member Case No. CV-17-03628-PHX-DGC (“Answer and General Denial”). Defendants further reserve the right to file any motion to dismiss for failure to state a claim with respect to this case, as set forth in Amended Case Management Order No. 4.

1 With respect to the allegations plaintiff(s) raise in *Marlin Pavelek v. C. R. Bard, Inc.,*
 2 *et al.*, AZ Member Case No. CV-17-03628-PHX-DGC, Defendants deny, generally and
 3 specifically, each and every allegation in plaintiff(s)' Complaint, the whole thereof, and each
 4 and every cause of action therein. Defendants further deny that the plaintiff(s) has sustained,
 5 or is entitled to recover, damages in any amount alleged or in any sum whatsoever.
 6 Defendants further deny that they are liable to the plaintiff in any amount, and further deny
 7 that the plaintiff has sustained injury, damage, or loss by reason of any act or omission by
 8 Defendants.

9 As for additional defenses, and without assuming any burden of pleading or proof that
 10 would otherwise rest on plaintiff(s), Defendants incorporate by reference the responses and
 11 Affirmative Defenses set forth in Defendants' Answer to Plaintiffs' Master Complaint filed in
 12 MDL 2641 on December 17, 2015 (Doc. 366). Defendants further reserve the right to raise
 13 such other affirmative defenses as may be available or apparent during discovery or as may
 14 be raised or asserted by other defendants in this case. Defendants have not knowingly or
 15 intentionally waived any applicable affirmative defense. If it appears that any affirmative
 16 defense is or may be applicable after Defendants have had the opportunity to conduct
 17 reasonable discovery in this matter, Defendants will assert such affirmative defense in
 18 accordance with the Federal Rules of Civil Procedure.

19 **REQUEST FOR JURY TRIAL**

20 Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. demand a trial by jury
 21 on all issues appropriate for jury determination.

22 **WHEREFORE**, Defendants aver that the plaintiff(s) is/are not entitled to the relief
 23 demanded in the plaintiff(s)' Complaint, and these Defendants, having fully answered, pray
 24 that this action against them be dismissed and that they be awarded their costs in defending
 25 this action and that they be granted such other and further relief as the Court deems just and
 26 appropriate.

1 This 9th day of March, 2018.

2 s/Richard B. North, Jr.
3 Richard B. North, Jr.
4 Georgia Bar No. 545599
5 NELSON MULLINS RILEY & SCARBOROUGH, LLP
6 Atlantic Station
7 201 17th Street, NW / Suite 1700
8 Atlanta, GA 30363
9 PH: (404) 322-6000
10 FX: (404) 322-6050
11 Richard.North@nelsonmullins.com

12 James R. Condo (#005867)
13 Amanda Sheridan (#027360)
14 SNELL & WILMER L.L.P.
15 One Arizona Center
16 400 E. Van Buren
17 Phoenix, AZ 85004-2204
18 PH: (602) 382-6000
19 JCondo@swlaw.com
20 ASheridan@swlaw.com

21 **Attorneys for Defendants C. R. Bard, Inc. and**
22 **Bard Peripheral Vascular, Inc.**
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 9, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Richard B. North, Jr.
Richard B. North, Jr.
Georgia Bar No. 545599
NELSON MULLINS RILEY & SCARBOROUGH, LLP
Atlantic Station
201 17th Street, NW / Suite 1700
Atlanta, GA 30363
PH: (404) 322-6000
FX: (404) 322-6050
Richard.North@nelsonmullins.com

**Attorney for Defendants C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.**